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**MINUTES**  
**WASHINGTON CITY PLANNING COMMISSION**  
**August 7, 2013**

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**PRESENT:** Commissioner Schofield, Commissioner Shepherd, Commissioner Smith, Commissioner Williams, Commissioner Averett, Commissioner Mortensen, Attorney Melinda Hill, Kelly L Carlson, Kelly Carlson, Mike Shaw, Drew Ellerman, Kathy Spring, Susan Hannig, Warren Hannig, Michelle Fleming, Eric Fleming, Katherine Staheli.

Meeting called to order: 5:34 PM

Invocation: Commissioner Mortensen

Pledge of Allegiance: Commissioner Smith

Commissioner Schofield announced that Commissioner Averett will be moving and tonight is his last meeting.

**1. APPROVAL OF AGENDA**

A. Approval of the agenda for August 7, 2013.

Commissioner Smith motioned to approve the agenda for August 7, 2013.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

**2. APPROVAL OF MINUTES**

A. Approval of the minutes from July 3, 2013.

Commissioner Averett motioned to approve the minutes from July 3, 2013.

Commissioner Williams seconded the motion.

Motion passed unanimously.

B. Approval of the minutes from July 17, 2013.

Commissioner Shepherd motioned to approve the minutes from July 17, 2013.

Commissioner Smith seconded the motion.

Motion passed unanimously.

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

None

4. ANNOUNCEMENT

Kelly Carlson, Power Department

Kelly Carlson invited the Planning Commissioners to a Public Hearing with the County Planning meeting August 13 at 1:30 PM. Washington City is proceeding with its Generation Facility. In 2007 Hurricane and Washington City purchased generating units in the Hurricane Facility and in 2008 with Santa Clara in Santa Clara Facility. This facility will be in the County. (See Exhibits)

Commissioner Schofield announced that the Conditional Use Permit for the Gun Range was overturned by an appeal that went through City Council with a 4-1 vote.

5. CONDITIONAL USE PERMIT

A. Public Hearing to consider approval for a Conditional Use Permit C-13-12 to request an exception to the height limit for a wall located at 1590 South and 1670 South Washington Fields Road. Property Owner: Eric and Michelle Fleming. Applicant: Troy Weese, Leo Construction LLC

Background

Drew Ellerman stated the applicant is requesting approval of a Conditional Use Permit to extend the maximum height limit of a block wall between 1590 South and 1670 South Washington Fields Road. This is roughly at the newly reconstructed intersection of Washington Dam Road and Washington Fields Road.

City ordinance only allows for a maximum of six-foot (6') high walls/fences, unless approval is granted through the C.U.P. process.

The applicant is seeking an adjusted maximum height of nine feet (9') to help mitigate the street traffic noise and sight, at this particular location. Staff feels that due to the close proximity of the homes to the newly widened street, that this proposal is appropriate for the circumstances.

Recommendation

Staff recommends that the Planning Commission approve C-13-12, allowing for an extension of the maximum wall height to nine feet (9') at the two properties located at 1590 and 1670 South Washington Fields Road (and the vacant lots in between), based on the following findings and subject to the following conditions:

Findings

1. The proposed use, at the particular location, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood and community; and.
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

3. The proposed use will comply with the regulations and conditions specified in this title and associating state and federal titles, for such use; and
4. The proposed use will conform to the intent of the general plan.

**Conditions**

1. Any site improvements shall meet the requirements of City and State adopted codes.
2. A building permit (along with the associated engineer design) be obtained for the construction of the block wall(s).

Commissioner Shepherd asked if it is now at 6 feet.

Drew Ellerman replied yes. Sometimes grade will put things off.

Commissioner Schofield asked if over 6 feet, would it need to be a retainer wall?

Mr. Ellerman replied no; it does need to be engineered anything over 6 foot.

Commissioner Schofield asked about the homes on Telegraph and 300 East, if they were to come to the city to request the same thing.

Mr.. Ellerman replied no, the access is not off of 300 East.

Commissioner Schofield asked if this would set a precedence with this request.

Mike Shaw stated there would be a site distance issue at 300 East. The city took 12 feet of their property. This one doesn't have a site distance issue.

Commissioner Schofield opened the public hearing.

No response

Commissioner Smith motioned to close the public hearing.

Commissioner Averett seconded the motion.

Motion passed unanimously.

Commissioner Shepherd said that 9 feet is too tall and is ugly, that she feels for the property owners because there was property taken but she would not vote to approve a 9 foot wall, she would vote for a 7 foot wall.

Commissioner Schofield asked about the wall to the north of these homes that back the Washington Fields Road.

Mr. Ellerman stated that is the subdivision with the gate but he doesn't know the height of the wall.

Eric Flemming stated the wall will be stucco and will be no more than 9 feet. There will be planters on the diagonal; and they are 15 feet from the sidewalk. He stated that they own the home and that it is their residence.

Michelle Flemming stated the wall across the street is 8 feet.

Commissioner Schofield asked what the actual height of the wall would be.

Ms. Flemming said that they only want 8 feet but they are asking for 9 feet for wiggle room.

Commissioner Schofield stated he doesn't have a problem with this and the wall across the street is 8 feet.

**Commissioner Smith motioned to approve C-13-13 for a conditional use permit for a height limit exception with the findings and conditions of staff.**

**Commissioner Averett seconded the motion.**

**Commissioner Averett voted aye.**

**Commissioner Smith voted aye.**

**Commissioner Shepherd voted nay.**

**Commissioner Williams voted aye.**

**Motion passed with a 4-1 vote.**

## **6. ZONE CHANGE**

A. Public Hearing for consideration and recommendation to City Council for a Zone Change Z-13-08 to change from R-1-12 (Single Family Residential 12,000 sq ft lots) to AP (Administrative and Professional) located at approximately 600 East 2100 South.  
Applicant: Shawn Wiscombe

### **Background**

The applicant is requesting approval to change the zoning of approximately 2.00 acres, located at approximately 600 East 2100 South. The requested change is from the current zoning of Single Family Residential-12,000 Square Foot Min. (R-1-12) to a proposed Administrative- Professional (AP) zoning designation.

The General Plan Land Use Map designation for this location is Neighborhood Commercial (NC) which allows for zoning districts of AP and C-1. The surrounding zoning districts are R-1-12 to the north & west, and AG-20 to the south & east. The applicant is wishing to rezone this particular parcel to the Administrative / Professional designation for the purpose of developing a funeral home business.

Recently the parcel was approved for a General Plan amendment from Low Density Residential (LD) to the Neighborhood Commercial (NC) General Plan Land Use Designation.

This proposed zone change is the second of a three step process for the funeral home to actually be developed at this particular location. If this zone change request is approved by the Planning Commission and City Council, the development will still have to return to the Planning Commission with an application for a Conditional Use Permit (the third and final step in the process).

Staff has reviewed the proposed zone change and finds it conforms to the General Plan Land Use designation for this particular site. The troubling item as it relates to this request, is the concern that was heavily debated in the General Plan Land Use amendment, which is the access to and from the property. As we are all aware, this parcel is currently accessible, only by driving through the Nichols Peak subdivision. The question was asked by a city councilman during their review of the General Plan Land Use Map amendment; "when would be the best time to address the concerns regarding access, now or at the zone change request?" Staff replied that it would probably be more appropriate to be addressed at the zone change request. So, the zone change request has been applied for, and now is that time to address the accessibility to and from the parcel in question.

During the public hearing with the city council, Mrs. Kathrine Staheli (part owner of the lot) made a viable comment which proposed a solution for the accessibility of the lot in question. She suggested that a block wall be built at the end of Kays Circle which would prohibit access into the funeral home parcel from that street. Then utilizing the dirt drive (which currently exist directly east of Nichols Drive), which would be tied to the Old Washington Fields Road (600 East) allowing for direct access to the parcel of this zone change request. Staff feels that this would be a viable solution to the concerns that have been voiced. Of course the proposed drive access would have to meet city standards as per construction, minimum width and grade, etc..

Also, during that same city council hearing, Mr. Ralph Staheli (also an owner of the lot), mentioned that he would like to extend the old Washington Fields Road (600 East) through his property and tie it back into the new Washington Fields Road at some point in the future. This proposed access would be extremely valuable to future neighborhood commercial development at this location.

### **Recommendation**

Staff would like to recommend, if the access concerns can be mitigated, that the Planning Commission recommend approval of Z-13-07, for the zone change request from Single-family Residential - 12,000 square feet min. (R-1-12) to the Administrative Professional (AP) zoning designation, to the City Council, based on the following findings:

### **Findings**

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.

2. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Schofield asked for clarification of the future lot on the plat, he asked if they would lose that lot for the wall. He asked about the cost of the wall and the road and who would pay for it.

Mr. Ellerman explained he would lose about 25 to 30% of one of the lots. He showed on the map where the wall would be and how the developer would lose a portion of the lot for the wall and access. He stated the cost usually goes to the developer.

Commissioner Schofield asked about the access for the house on 600 East.

Mr. Ellerman stated that 600 East isn't the entryway for the homes.

Commissioner Shepherd asked about the distance of the Nichols Peak Road and the access.

Mr. Ellerman replied it would not be a city road. It would be a driveway.

Commissioner Williams asked if they complete the road on the Old Fields Road and if it is blocked off and the funeral home has a large group, would they park on the other roads?

Mr. Ellerman stated they probably would.

Commissioner Averett stated this was just for viewings.

Mr. Ellerman stated that is his understanding as well.

Commissioner Schofield asked what would be the parking for this space.

Mr. Ellerman stated he would base it off of what a church parking would be and this would be handled at the Conditional Use Permit stage.

Commissioner Schofield asked for clarification of a crematory. Would this property qualify for a crematory?

Mr. Ellerman stated crematories are allowed in the Industrial Zone with a Conditional Use Permit. He stated City Council would have to change the city code to allow it.

Commissioner Schofield asked if conditions could be placed on this.

Mr. Ellerman stated not tonight. He just wanted to talk about some of the concerns so the applicant would know what he would be dealing with.

Commissioner Schofield asked if this was noticed and if there were any calls or comments.

Mr. Ellerman stated notices were sent and there were no calls regarding the notice or this request.

Mr. Wiscombe stated crematories are emissions free and he understands they are not allowed.

Commissioner Schofield stated neither was a gun range.

Mr. Wiscombe showed an exhibit of what the home would look like. He stated Nathan Fisher has suggested they talk about some of the conditions.

Commissioner Schofield addressed the wall and asked where it would be located. He stated Mrs. Staheli's comments to City Council with the General Plan were a game changer for him. He asked about the access. He stated logically people would travel to the closest location.

Mr. Ellerman stated the wall would be required anyway adjacent to Agriculture and Residential Zones.

Commissioner Williams stated blocking Kaye Circle mitigates the traffic going through the subdivision.

Mr. Wiscombe stated if this projects goes further they would work with their engineer to design the parking, the access and the wall. He stated Spilsbury Mortuary on Bluff does not have parking on Bluff and this building will be half that size, it is 5,000 sq feet building. He stated they don't open the door before 8 and have not had a viewing at the busy parts of the day. It will be rare to have large traffic with viewings.

Commissioner Schofield stated he would be opposed to any cutting onto the Washington Fields Road. He stated he doesn't know what they will be doing with the lower parcel. It appears in his opinion, that the Staheli's have customized this property for commercial use based on the retaining wall that is being put in. He stated he was against the general plan because of the access going through the subdivision but with Mrs. Staheli proposing another option for the access was a game changer.

Mr. Ellerman stated if there were an access onto Washington Fields Road it would be right in and right out. The minimum width would be 26 feet for the fire trucks.

Commissioner Schofield opened the public hearing.

Katherine Staheli stated she wants to explain the history of the property. They were the developers of the Nichols Peak subdivision was created Kay Circle ended. They didn't own the property where the new road is there was a bank sale so they picked up the adjacent property and now they own the old road and around the hill. The old road caused more problem than the new road. People park their RVs and vehicle on the vacant property now. Kay Circle was named after Ralph's brother. She stated she didn't know anything about the new road and she gets heated when people get upset about the property. She stated Ralph said they need the new road

so they didn't fight the road. She asked about the block wall and wanted some clarification on the requirement.

Commissioner Schofield said Sheerie Reeder was on the committee when they changed this area to community commercial and she didn't say anything about who owned all of the property. The drive would be a private drive and would be maintained by the property owner. The block wall is required by an ordinance.

Mrs. Staheli said she didn't think Sheerie knew all the information about ownership.

Mr. Ellerman showed where the property line is and a block wall would be required except for the access. Any property zoned commercial adjacent to Agriculture and Residential zone would need a block wall. He recommended to the Staheli's doing a C-1 zone change.

Commissioner Schofield asked if along the drive would they need a wall or could they do landscaping.

Mr. Ellerman stated they would probably just landscape along the drive.

Commissioner Smith stated it would be under a 150 feet.

Mike Shaw stated there are other options and they would not lose lots.

Commissioner Schofield stated this would be addressed at the Conditional Use Permit stage. The access will have to come off of the 600 East road.

Mrs. Staheli asked about the traffic light at Washington Fields Road and Sandia.

Commissioner Smith stated it would come after a traffic study is done.

Commissioner Schofield suggested that this could be the same design as the Spilsbury on Bluff because it goes up hill as well.

Mrs. Staheli stated she feels the neighbors will be excited when they see how beautiful the home will look.

Mr. Ellerman stated he wants to clarify that by talking about the conditions doesn't mean what they have talked about would necessarily be the conditions, there are going to be conditions that may include what they have talked about.

Commissioner Smith asked what the minimum landscaping requirement.

Mr. Ellerman stated it is 5% of the lot that has to be landscaped.



Commissioner Shepherd asked about the block wall and which boundary would have a 6-foot wall.

Mr. Ellerman stated technically all 4 sides but they would work at this so it doesn't look weird next to the hill. It would be required next to the subdivision.

Commissioner Averett motioned to close the public hearing.  
Commissioner Smith seconded the motion.  
Motion passed unanimously.

**Commissioner Averett motion to recommend approval to City Council with the recommendation and findings of staff.**

**Commissioner Williams seconded the motion.**

**Motion passed unanimously.**

**Commissioner Averett voted aye**

**Commissioner Smith voted aye**

**Commissioner Schofield voted aye**

**Commissioner Shepherd voted aye**

**Commissioner Williams voted aye**

## **7. DISCUSSION ITEMS**

### **A. Discussion of General Information.**

Mr. Ellerman stated he has purchased the IPADs and will have them ready soon.

Mr. Ellerman explained that he would be bringing a draft of an ordinance for a vacation rental.

He will bring it as an overlay zone and a conditional use permit for the Planning Commission's recommendation. He explained changes in the building department with hiring another inspector and Creig Maynes will be doing plan checks to have a closer 5 day turn around. There were 62 permits in July, June was 49, May was 50 and April was 70.

Mr. Ellerman stated the Utah League of Cities and Town in September but that would be at their cost he may be able to help with a little of financing.

Commissioner Schofield encouraged the commissioners to take advantage of the help they get to understand ordinances and what they are to do as commissioners. He stated he talks to Drew, Kathy and Melinda for information.

**Meeting Adjourned: 7:27 PM**

Commissioner Shepherd motioned to adjourn the Planning Commissioner meeting for August 7, 2013.

Commissioner Averett seconded the motion.

Motion passed unanimously.

Washington City

Signed by:

  
Rick Schofield, Chairman

Attested to:

  
Kathy Spring, Zoning Technician



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| 0-13-71 | JOB NUMBER: | 4339-1 |
|         | SCALE:      | 1"=40' |
|         | DRAWN BY:   | CAC    |
|         | CHECKED BY: | DGH    |
|         | DATE        |        |
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|         | FILE NAME:  |        |





Washington City Units

2

 Washington City  
Where Dixie Begins



